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No. 87-1921

Supreme Court, U.S.  
FILED

SEP 15 1988

IN THE UNITED STATES SUPREME COURT

JOSEPH E. SPANIOL, JR.  
CLERK

RAINSFORD J. WINSLOW and WINIFRED W. WINSLOW,  
Plaintiffs,

v.

KEITH D. WILLIAMS, ALMA JEAN WILLIAMS, DAMON  
A. McMAHAN, DOROTHY McMAHAN, MARGARET HARRING-  
TON, IRVIN R. KAISER, CAROLYN D. KAISER,  
WILLIAM C. KROSKOB, HELEN P. KROSKOB, MARK R.  
WEIMER, ARDITH WEIMER, D.E. STEGER ESTATE,  
RICHARD H. WATERS ESTATE, ROSEMARY J. WATERS,  
BERNIE HODAPP, ELAINE HODAPP, THOMAS WHEELER,  
JOHN CONN CLATWORTHY, BARBARA BRETT CLATWORTHY,  
KEITH L. GAY, DONNA J. GAY, LEE O'NEIL, STEVEN  
R. ARMSTRONG, DEBORAH ARMSTRONG, DWIGHT MOODY,  
MILDRED MOODY, JOHN F. FILLINGHAM, CHERYL A.  
FILLINGHAM, CYNTHIA J. BLAKE, ANDREW W. BLAKE,  
E. MILTON BINFORD, STANLEY I. ROSENER, ROBERT  
J. DYER III, STUTZ, DYER, MILLER, DELAP, MORGAN  
COUNTY OFFICIALS, E. ORD WELLS, HENRY KAMERZELL  
ROBERT BAUER ESTATE, JOHN LINDELL, JUDGE MARVIN  
W. FOOTE, DEFENDANTS 41 through 50 John/Jane  
Does (unknown), Defendants.

**SUPPLEMENTAL BRIEF TO  
PETITION FOR A WRIT OF CERTIORARI  
TO THE SUPREME COURT  
STATE OF COLORADO**

Presented by:  
Rainsford/Winifred Winslow, Pro Se  
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Fort Morgan, CO 80701  
Phone: (303) 867-6201



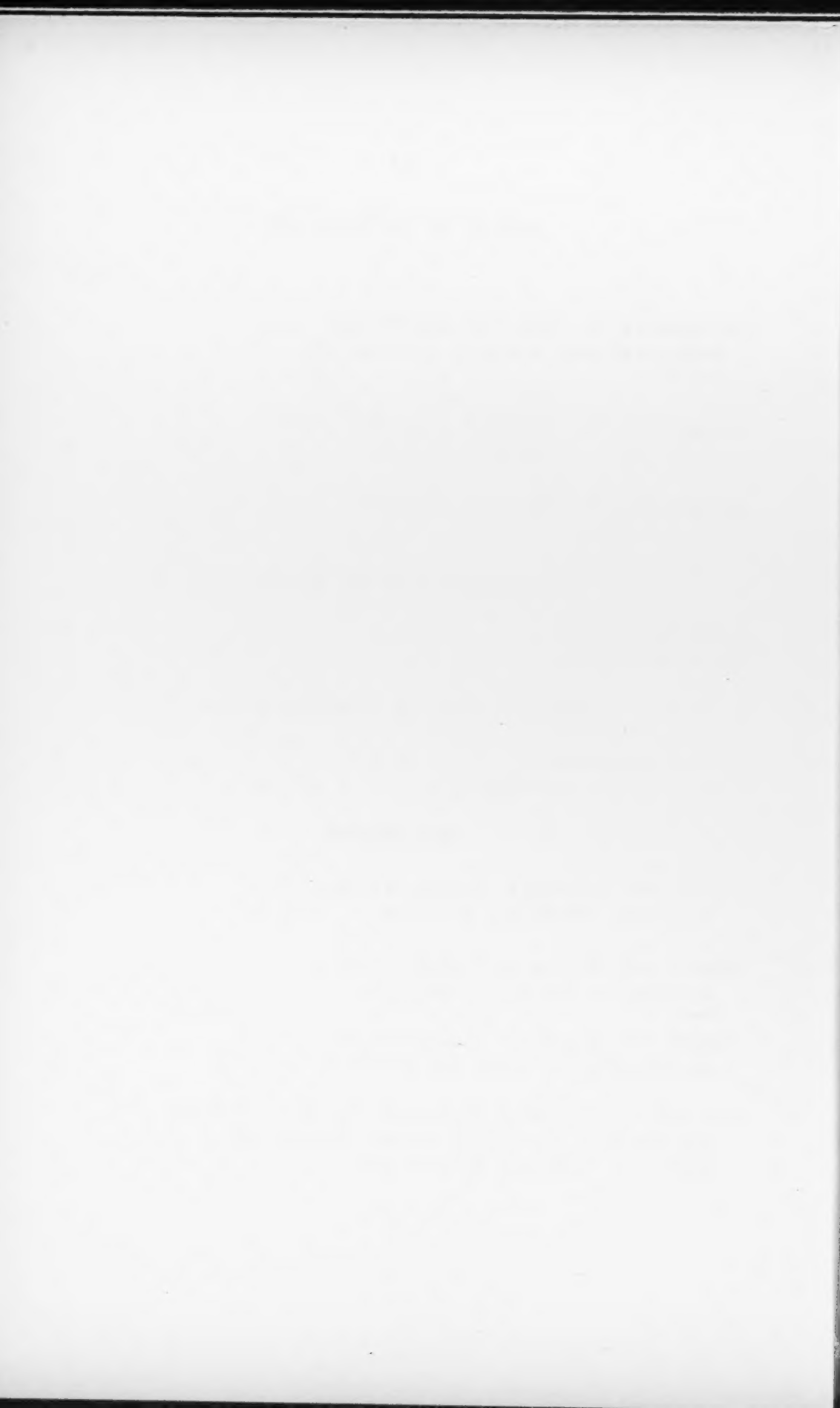
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## SUPPLEMENTAL BRIEF

COME NOW Rainsford J. Winslow and Winifred W. Winslow, Petitioners, as per Rule 22.6 bringing forward two new unaddressed issues:

- A. The three Colorado Court of Appeal Judges DID NOT follow their oath of office in dealing with Petitioners Winslow.
- B. A new U.S. Supreme Court case, which parallels the Winslow case. It *Liljeberg v. Health Services Acquisition Corp.*, Docket No. 86-957, decided 17 Jun 88.

### I. JUDGES IGNORE OFFICE OATH

1. Colorado Court of Appeals Judges Karen Metzger, John Criswell, and Harry Silverstein, 6 Aug 87, REVERSED the JUDGMENT OF Judge George M. Gibson of 26 Sep 85. (See APPENDIX B and C, this instant Petition.)

2. The Winslows were Appellees and Cross-Appellants in Case No. 85 CA 1537. The three Appeals Court Judges did not HEAR AND DETERMINE the Winslow Cross-Appeal, nor did they review the Winslow OPENING BRIEF. Had they done this, they would have granted the Winslows a new trial on the spot. Any litigant is entitled to a fair trial before an impartial judge which





is guaranteed by the U.S. Constitution, Amendments V and XIV going to due process of law.

3. Also, the Winslows asked to present oral arguments to the three Appeals Judges by Motion but were denied an opportunity to be heard. Another denial of due process. This is a new fact in this instant Petition, and a copy of the Motion/Denial is made part of this Supplemental Brief.

4. What follows is the Colorado Statute which these three judges violated:

C.R.S. 13-4-106

Divisions. (1) The Court of Appeals SHALL sit in divisions of three judges each TO HEAR AND DETERMINE ALL MATTERS before the Court.

5. These arguments were presented in the Winslows' instant Petition, but the fact that the judges violated their OATH OF OFFICE was not pointed out.

6. Judge Metzger signed her oath of office on 13 Jan 87. Judge Criswell signed his oath of office on 11 Sep 86. Judge Silverstein signed his oath of office on 9 Jan 73. Complete



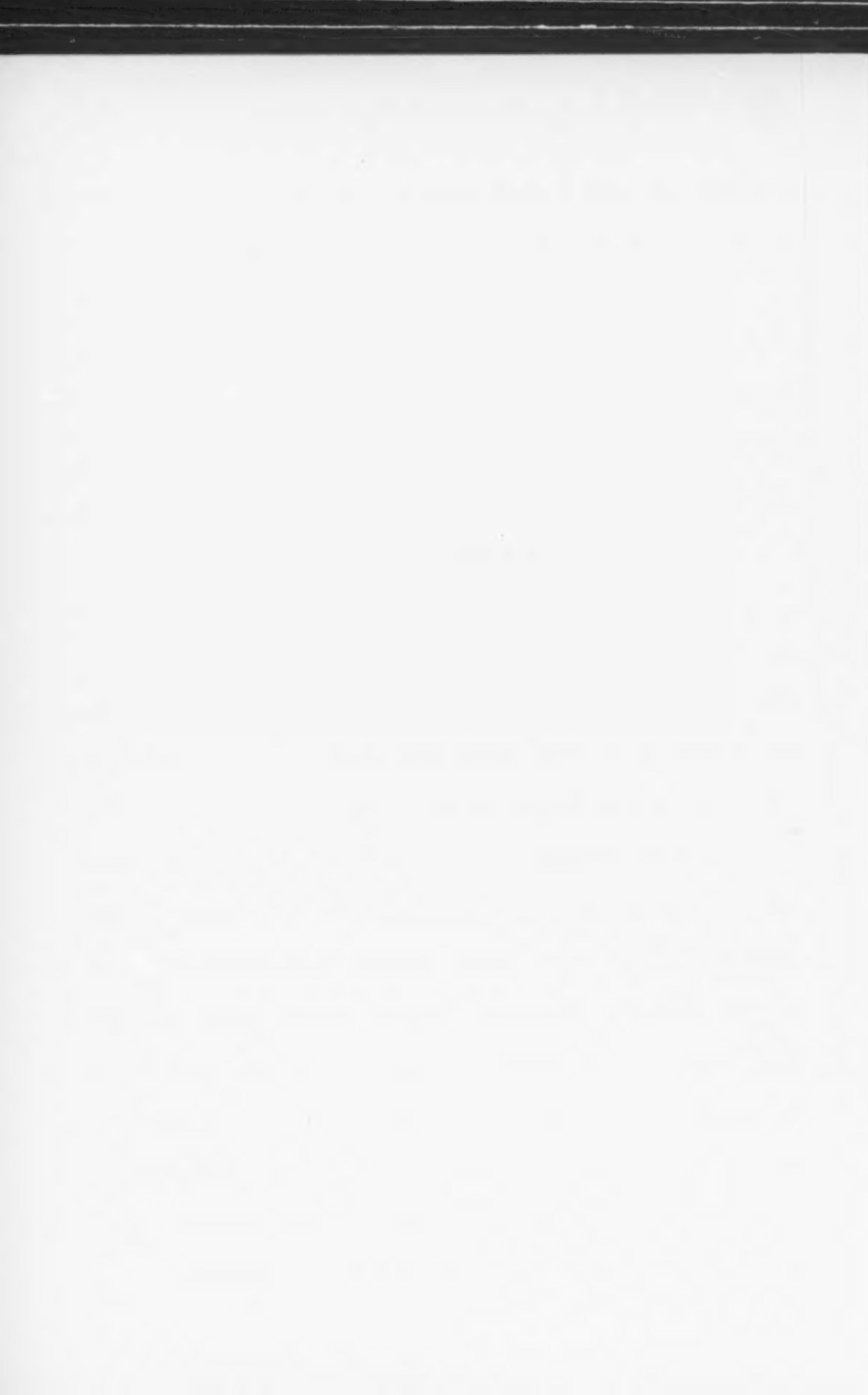
copies of the three judges' signed oath of office are made part of this Supplemental Brief.

7. The three judges denied the Winslows due process of law, ignored Colorado law, and violated their oath of office. These allegations should be sufficient to grant Certiorari in this instant Petition.

## II. THE RECENT LILJEBERG CASE

8. This U.S. Supreme Court in *Liljeberg v. Health Services Acquisition Corp.*, Docket No. 86-957 decided 17 Jun 88,<sup>is</sup>/almost exactly on point with the Winslow case. It covered the issue of fair trial/impartial judge.

9. What makes it on point is in *Liljeberg*, final Judgment had been made and years had passed and this High Court determined that Judge Robert Collins could have been biased and prejudiced even though he might not have thought so. What the U.S. Supreme Court did was determine at least there was the appearance of impropriety and granted a new trial. Here is a significant citation from *Liljeberg*:



Although recognizing that caution is required in determining whether a judgment should be vacated after becoming final, the court concluded that since the appearance of partiality was convincingly established and since the motion to vacate was filed as promptly as possible, the appropriate remedy was to vacate the declaratory relief judgment.

10. This next citation from Liljeberg shows how it parallels the Winslow case:

In particular, Rule 60(b)(6), upon which respondent relies, grants federal courts broad authority to relieve a party from a final judgment "upon such terms as are just," provided that the motion is made within a reasonable time and is not premised on one of the grounds of relief enumerated in clauses (b)(1) through (b)(5). The rule does not particularize the factors that justify relief, but we have previously noted that it provides courts with authority "adequate to enable them to vacate judgments whenever such action is appropriate to accomplish justice," *Klapprott v. United States*, 335 U.S. 601, 614-615 (1949), while also cautioning that it should only be applied in "extraordinary circumstances," *Ackermann v. United States*, 340 U.S. 193 (1950). . . . We must continuously bear in mind that "to perform its high function in the best way 'justice must satisfy the appearance of justice.'"



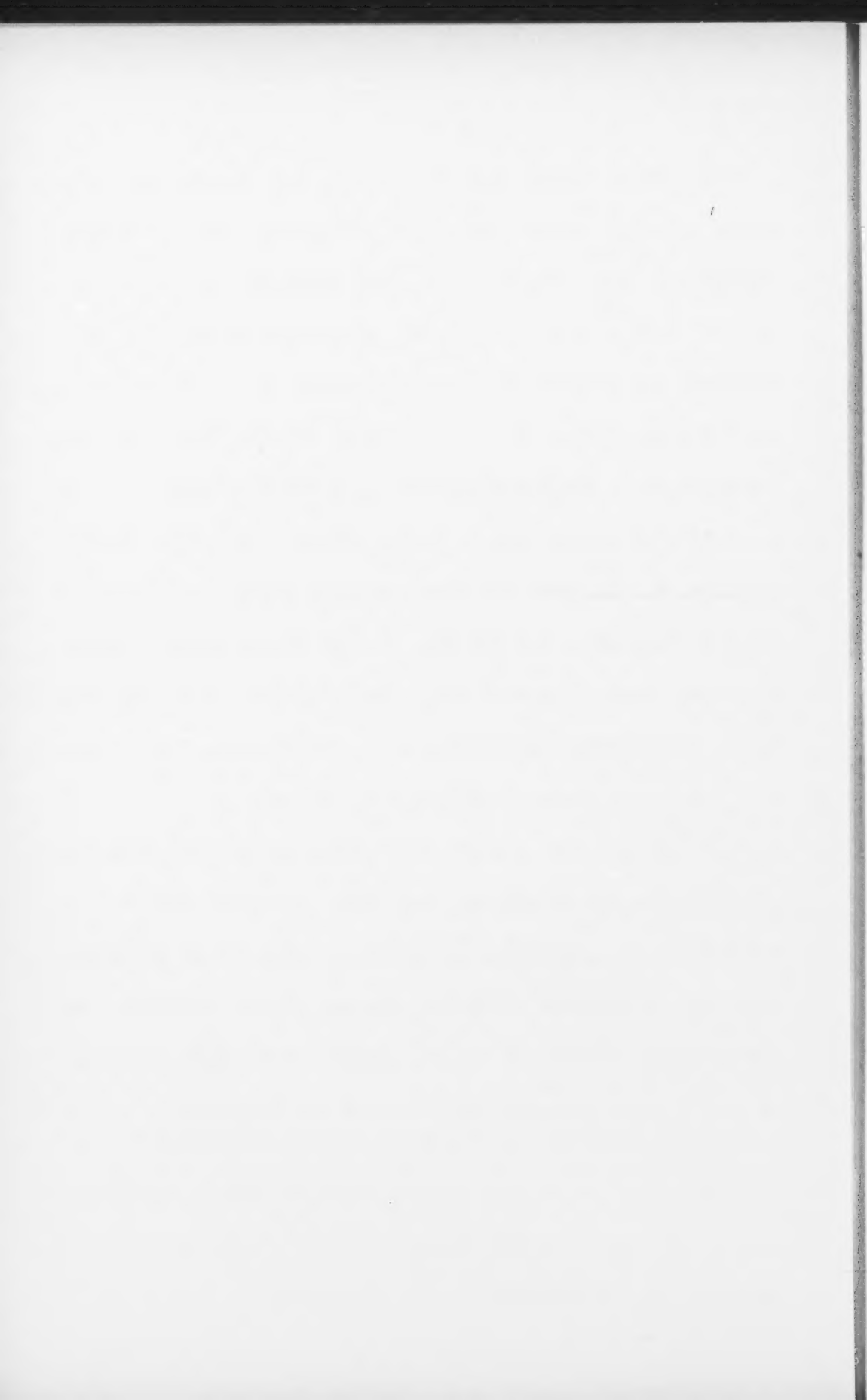
11. This case is probably as close as any case could come to the Winslow case. Final Judgment was reached in the Morgan County District Court on 5 Oct 82 and the Winslows appealed in numerous ways through all the Courts including this U.S. Supreme Court--no review permitted. **EXTRAORDINARY CIRCUMSTANCES!**

12. Finally, on a Rule 60(b) theory, Judge George M. Gibson in Washington County District Court Case No. 84 CV 30, ruled that Judge James R. Leh was biased and prejudiced and voided all Judgments against the Winslows. This is all part of this instant Petition.

13. Winslows adopt by reference everything within their **WINSLOW JUSTICE JOURNAL** which is **APPENDIX D**, especially noting the lead article titled **WINSLOWS DENIED FAIR TRIAL BEFORE AN IMPARTIAL JUDGE, A U.S. CONSTITUTIONAL RIGHT.**

### **III. EQUAL PROTECTION OF THE LAW AND ALLEGED BREACH OF "OATH CONTRACT"**

14. The Winslows were denied equal protection of the law as guaranteed by the U.S. Constitution, Amendment XIV, Section 1.





15. The Winslows paid their \$75 Appellee Fee to the Colorado Court of Appeals. They expected complete review of their OPENING BRIEF. They were denied complete review. Other Appellees get review, Winslows didn't, a denial of equal protection of the law. The Appeal Court Judges breached their "Oath Contract" with the Winslows.

16. The Winslows paid \$150 to be Cross-Appellants. They timely filed their Cross-Appeal Opening Brief, expecting it to be reviewed. They were denied review. Other Cross-Appellants get reviewed; the Winslows didn't, another denial of equal protection of the law. The Appeal Court Judges breached their "Oath Contract" with the Winslows.

17. The Colorado Court of Appeals used to have a written rule denying Pro Se Appellees or Appellants from giving oral arguments. Now, while the rule is UNWRITTEN, still Pro Se litigants are not permitted oral arguments in the Colorado Court of Appeals. Winslows filed a



MOTION FOR ORAL ARGUMENTS on 10 Apr 87, but were denied on 8 Oct 87. Other Appellees and Appellants are permitted oral arguments; the Winslows were not. Another denial of equal protection of the law. The Appeal Court Judges breached their "Oath Contract" with the Winslows. (See DOCUMENT D herewith.)

18. This by itself should be enough to permit review by this U.S. Supreme Court.

#### IV. CONCLUSION

19. For the above reasons and reasons presented in the initial PETITION FOR CERTIORARI, Winslows pray that this U.S. High Court will grant review on or about 4 Oct 88, less than a month from now.

Respectfully submitted,

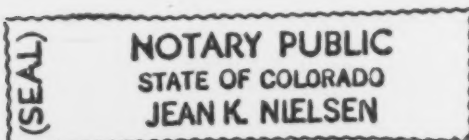
*Rainsford J. Winslow*  
Rainsford J. Winslow

*Winifred W. Winslow*  
Winifred W. Winslow

Opposing Counsel

Robert J. Dyer III, Representing Plaintiffs  
825 Logan, Denver, CO 80203

SERVICE: I certify that a true and correct copy of the foregoing instrument was served to Robert J. Dyer III on or before 16 Sep 88.



*Jean K. Nielsen*



OATH OF OFFICE

STATE OF COLORADO

I, KAREN S. METZGER, DO SOLEMNLY SWEAR  
BY THE EVER-LIVING GOD THAT I WILL SUPPORT THE CONSTITUTION  
OF THE UNITED STATES, AND OF THE STATE OF COLORADO, AND WILL  
FAITHFULLY PERFORM THE DUTIES OF THE OFFICE OF JUDGE OF THE  
COLORADO COURT OF APPEALS, UPON WHICH I AM ABOUT TO ENTER.

Karen S. Metzger

SUBSCRIBED AND SWORN TO BEFORE ME THIS 13TH DAY  
OF JANUARY A.D. 1987.

William H. Erickson

JUSTICE, COLORADO SUPREME COURT

RECEIVED

JAN 15 1987

ELECTIONS/LICENSING  
SECRETARY OF STATE



DOCUMENT A



State of Colorado, } ss.  
COUNTY OF Denver

RECEIVED  
SEP 12 1986  
ELECTIONS/LICENSING  
SECRETARY OF STATE

I, John Albert Criswell do solemnly swear,  
by the ever-living God, that I will support the constitution of the United States,  
and of the State of Colorado, and faithfully perform the duties of the office of

Judge of the Colorado Court of Appeals

upon which I am about to enter.

John Albert Criswell

Subscribed and sworn to before me this 11th day

of September A. D. 1986

Donald P. Smith  
Donald P. Smith, Judge  
Colorado Court of Appeals





STATE OF COLORADO, } ss.  
County of Denver }

I, Harry S. Silverstein, Jr.

do solemnly swear, or affirm, that I will support the constitution of the United States, and of the State of Colorado, and faithfully perform the duties of the office of \_\_\_\_\_

Chief Judge of the Court of Appeals

upon which I am about to enter.

Harry S. Silverstein, Jr.

Subscribed and sworn to before me this \_\_\_\_\_ 9th \_\_\_\_\_ day

of January, \_\_\_\_\_ A. D. 19 73.

Edward E. Ruyft  
Chief Justice



The Obliterated Title Actually Reads:

MOTION TO PERMIT WINSLOW TO  
MAKE ORAL ARGUMENTS IN THIS CASE

COURT OF APPEALS, STATE OF COLORADO  
Case No. 83 CA 1337

COPIES MAILED TO  
COUNSEL OF RECORD  
TH. ST. JOHN - THE C. CH.  
AND *Pro Se*  
ON: *12-8-87*  
BY *CJA*

GARY A. SONKE

87 APR 18 11:53

MOTION TO PERMIT WINSLOW TO MAKE ORAL ARGUMENTS

GRANTED ☒ DENIED ☐  
this 9<sup>th</sup> day of *Oct* 1987  
*denied*  
*Pro Se*  
*Winfred W. Winslow*  
Judge  
Colorado Court of Appeals

RAINFORD J. WINSLOW, et al., Appellees/Cross-Appellants,

v.

KEITH D. WILLIAMS, et al., Appellants/Cross-Appellees.

COME NOW Rainford J. Winslow and Winfred W. Winslow, seeking to have this Court permit the Winslows to make oral arguments in this case. It is believed that this tribunal has a rule that prohibits Pro Se parties from making oral arguments.

To deny the Winslows the opportunity of making oral arguments only because they are Pro Se while permitting other litigants represented by attorneys to give oral arguments, is not equal protection of the law, and such a rule is believed to be unconstitutional not only from the standpoint of the U.S. Constitution, but the Colorado Constitution as well.

To deny the Winslows this opportunity would be a deprivation of rights under color of law.

This case is critical to the Winslows' economic future and they want to have every opportunity to make every argument that they possibly can to convince this Court that they were denied due process of law all along in this case and they don't want to be denied due process relative to oral arguments. There is nothing in C.A.R. 34 that prohibits Pro Se from giving oral arguments, and there is no Colorado Statute that forbids Pro Se from giving oral arguments.

The Winslows pray that they be given the opportunity to give oral arguments in this critical case that has gone on now for nearly eight years.

*Rainford J. Winslow*

Respectfully submitted,

*Winfred W. Winslow*

Rainford J. Winslow  
P.O. Box 250  
Fort Morgan, Colorado 80701  
Phone: (303) 867-6201

Winfred W. Winslow  
P.O. Box 250  
Fort Morgan, Colorado 80701  
Phone: (303) 867-6201

CERTIFICATE OF SERVICE: I hereby certify that a true and correct copy of the foregoing instrument was served by U.S. Mail or hand delivery this 9th day of April 1987 to: Robert J. Dyer III, 823 Logan, Denver, Colorado 80203.

*Jean H. Nielsen*